

EDOK Criminal Complaint (Revised 6/13)

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KALEB LEE OSS,

Defendant.

CRIMINAL COMPLAINT

Case No. 21-MJ-275-SPS


I, Special Agent Kegan Walker, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about February 4, 2019, in the Eastern District of Oklahoma, defendant(s) violated Title, 18 United States Code, Section(s) 113(a)(6), an offense described as follows: Assault Resulting in Serious Bodily Injury.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Special Agent Kegan Walker, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.


Special Agent Kegan Walker
Federal Bureau of Investigation
Complainant

Sworn to and subscribed at: MUSKOGEE,

OKLAHOMA Date: 7th day of June 2021

UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer



**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Kegan Walker, being duly sworn, depose and state that:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been employed by the FBI since 2020. In my capacity as an FBI Special Agent, I have personally investigated or assisted in investigating criminal matters, matters of national security, and related offenses. Based on my training and experience as an FBI Special Agent, I am familiar with the means and methods of criminal behavior. I have become knowledgeable about the criminal statutes of the United States. I am authorized to obtain and execute federal arrest, search and seizure warrants. As a Special Agent with the FBI, I am a law enforcement officer of the United States as defined by 18 U.S.C. § 2510(7), meaning that I am empowered by law to conduct investigations of and to make arrests for violations of Federal law, including violations of the Major Crimes Act (MCA).

2. The statements contained in this Affidavit are based in part on information provided by other agencies; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that KALEB LEE OSS committed the below-described offense, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

PROBABLE CAUSE

3. As will be shown below, there is probable cause to believe that KALEB LEE OSS committed the offense of Assault Resulting in Serious Bodily Injury, which occurred within the boundaries of the Choctaw Nation Reservation.

4. VENUE: the facts and circumstances alleged in this affidavit occurred within the Eastern District of Oklahoma. More specifically, based on the Supreme Court decision in *McGirt v. Oklahoma* (2020), the below described location is within the geographic boundaries of the Choctaw Nation Reservation, and therefore is within Indian Country.

5. DEFENDANT: the defendant is KALEB LEE OSS, Date of Birth XX/XX/1998, hereinafter referred to as OSS, an enrolled member of the Choctaw Nation.

6. VICTIM: B.H.

7. Affiant received information regarding a crime which occurred in Pittsburg County, Oklahoma within the boundaries of the Choctaw Nation Reservation. This affidavit is intended to show there is sufficient probable cause for a Complaint and does not set forth all of my knowledge about this matter. This affidavit is made in support of a Complaint and Arrest Warrant for the offense of Assault Resulting in Serious Bodily Injury. In support of this request, I submit the following:

8. On February 5, 2019, Deputy Michael Coffman of the Pittsburg County Sheriff's Office was notified of an assault that occurred between inmates in the Pittsburg County Jail on February 4, 2019. OSS was an inmate in the Pittsburg County Jail at the time of the incident. Through video recording, 3-4 inmates were observed inside of a cell involved in a physical altercation. OSS was observed outside of the cell, taking off his shirt, and then entering the cell to enter the altercation. OSS, along with several other inmates, was observed striking B.H. while pushing him toward the door of the cell. One of the inmates choked B.H., while OSS and another

inmate struck B.H. in the face and body. The attack was eventually stopped by corrections officer.

9. B.H. provided a voluntary statement to Deputy Coffman following the altercation. B.H. stated that Oss and another inmate entered the cell and began striking him for no reason.

10. OSS and the other inmates provided voluntary statements to Deputy Coffman. OSS stated that B.H. was playing chess with another inmate. B.H. punched the inmate in the face causing the inmate to fall. B.H. then began to strike the inmate, which caused OSS and other inmates to join into the altercation.

11. As a result of the assault, B.H. was treated at a hospital and suffered a fractured right orbital and a broken nose.

12. On March 8, 2019, OSS pled guilty to one count of Aggravated Assault and Battery in the District Court of Pittsburg County. The aforementioned charge was dismissed on May 7, 2021, following a *McGirt* hearing. Pursuant to the order of the Pittsburg County District Court, OSS is scheduled to be released from custody on June 5, 2021.

12. Based on a review of this case, and based on my knowledge and experience, I, as your Affiant have probable cause to believe KALEB OSS, an enrolled member of the Choctaw Nation, committed the offense of Assault Resulting in Serious Bodily Injury which occurred within the boundaries of the Choctaw Nation.

Respectfully Submitted,



Kegan Walker, Special Agent
Federal Bureau of Investigation

Sworn and subscribed this date on the 7th day of June 2021.



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA